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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,987	10/20/2000	Ichiro Hamada	SONYJP 3.0-129	8086
530	7590	12/10/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,987

Applicant(s)

HAMADA, ICHIRO

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13-14, 16-25, 28-37, 39, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda et al (US 2002/0064180 A1).

Regarding claim 1, Takeda et al discloses a digital broadcast receiver for receiving and decoding a digital broadcast containing video data and audio data which are transmitted in the form of a transport stream (Fig. 1), said receiver comprising:

interface means (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) through which a transport stream and a command are transmitted to, or received from, a recording/reproducing apparatus;

judging means (processing means 118 of Fig. 1, pages 8-9, paragraphs #0118 and #0120) for determining information corresponding to a transmission rate of a received transport stream of a received digital broadcast; and

recording rate setting command generating means (page 9, paragraph #0120) for generating a recording rate setting command on the basis of the information corresponding to the transmission rate and for transmitting the recording rate setting command to the recording/reproducing apparatus through said interface means.

Regarding claim 2, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command when the recording/reproducing apparatus is connected to said digital broadcast receiver through said interface means (page 9, paragraph #0120).

Regarding claim 3, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command just before the received transport stream is transmitted to the recording/reproducing apparatus (page 9, paragraph #0120).

Regarding claim 4, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command before the recording/reproducing apparatus starts recording the received transport stream (page 9, paragraph #0120).

Regarding claim 5, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command when a reception channel is switched (page 9, paragraph #0120).

Regarding claim 6, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command when a broadcast program is changed (page 9, paragraph #0120).

Regarding claim 7, Takeda et al discloses the claimed wherein said recording rate setting command generating means periodically generates the recording rate setting command according to a predetermined period (page 9, paragraph #0121).

Regarding claim 8, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command when a request command is received from the recording/reproducing apparatus (page 9, paragraph #0120).

Regarding claim 9, Takeda et al discloses the claimed wherein, when the transmission rate of the received transport stream is changed during a recording operation in the recording/reproducing apparatus, said recording rate setting command generating means temporarily stops the recording operation and generates the recording rate setting command anew (page 9, paragraph #0120).

Regarding claim 10, Takeda et al discloses the claimed wherein the information corresponding to the transmission rate indicates a high definition television broadcast or a standard television broadcast (page 9, paragraph #0120).

Regarding claim 13, Takeda et al discloses a recording apparatus ((Fig. 1), comprising:

interface means (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) for transmitting a transport stream

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and a command to, and for receiving a transport stream and a command from, a digital broadcast receiver;

recording means (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) for recording a transport stream received from the digital broadcast receiver through said interface means; and

recording rate setting means (page 9, paragraph #0120) for setting a recording rate of said recording means in accordance with a recording rate setting command received from the digital broadcast receiver through said interface means.

Regarding claim 14, Takeda et al discloses the claimed means for generating to the digital broadcast receiver a request command for setting the recording rate page 9, paragraph #0120).

The method claims 16-25 are rejected for the same reasons as discussed in corresponding apparatus claims 1-10 above, respectively.

Regarding claim 28, Takeda et al discloses a digital broadcast receiver (Fig. 1), comprising:

a receiver (a tuner 126 of Fig. 1, pages 5-6, paragraphs #0094 and #0096) for receiving a digital broadcast signal and for providing a transport stream representing video data and audio data;

a processor (processor 118 of Fig. 1, page 9, paragraph #0120) for generating a command that sets a recording rate as a function of a transmission rate of the transport stream; and

an interface (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) for transmitting the command and the transport stream to a recording apparatus, whereby the recording apparatus records the transport stream in accordance with the set recording rate.

Regarding claim 29, Takeda et al discloses the claimed said processor generates the command when said interface detects that the recording apparatus is connected thereto (page 9, paragraph #0120).

Regarding claim 30, Takeda et al discloses the claimed wherein said processor generates the command just before the transport stream is transmitted to the recording apparatus (page 9, paragraph #0120).

Regarding claim 31, Takeda et al discloses the claimed wherein said recording rate setting command generating means generates the recording rate setting command before the recording/reproducing apparatus starts recording the received transport stream (page 9, paragraph #0120).

Regarding claim 32, Takeda et al discloses the claimed wherein said processor generates the command when a reception channel is switched (page 9, paragraph #0120).

Regarding claim 33, Takeda et al discloses the claimed wherein said processor generates the command when a broadcast program is changed (page 9, paragraph #0120).

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Regarding claim 34, Takeda et al discloses the claimed wherein said processor periodically generates the command according to a predetermined period (page 9, paragraph #0121).

Regarding claim 35, Takeda et al discloses the claimed wherein said processor generates the command when a request command is received from the recording apparatus (page 9, paragraph #0120).

Regarding claim 36, Takeda et al discloses the claimed wherein when the transmission rate of the transport stream is changed during a recording operation in the recording apparatus, said processor temporarily stops the recording operation and generates the command anew (page 9, paragraph #0120).

Regarding claim 37, Takeda et al discloses the claimed wherein said processor determines the transmission rate as a function of whether the transport stream is a high definition television broadcast or a standard television broadcast (page 9, paragraph #0120).

Regarding claim 39, Takeda et al discloses a recording apparatus (Fig. 1), comprising:

an interface (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) for coupling to a digital broadcast receiver for receiving a transport stream and commands therefrom and for transmitting requests thereto;

a recorder (the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1, page 7, paragraphs #0106 and #0107) for recording the received transport stream; and

a processor (processing means 118 of Fig. 1, pages 8-9, paragraphs #0118 and #0120) for setting a recording rate of said recorder in accordance with a recording rate setting command received from the digital broadcast receiver.

Regarding claim 41, Takeda et al discloses the claimed wherein said processor generates a request for setting the recording rate for transmission to the digital broadcast receiver through said interface (page 9, paragraph #0120).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12, 15, 26-27, 38, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 2002/0064180 A1).

Regarding claim 11, Takeda et al discloses all the claimed limitations as discussed in claim 1 above except for providing wherein when the recording rate corresponding to the received recording rate setting command cannot be set, said recording rate setting means causes an alarm to be displayed in the recording apparatus.

It is noted that the capability of using lights to show the operational states of the recorder is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known lights which shown the operational states of the recorder into Takeda et al's system in order to allow the user to easily and quickly identify the operational states of the recorder so that the recorder can be easily controlled.

Regarding claim 12, Takeda et al discloses all the claimed limitations as discussed in claim 1 except for providing wherein said interface means includes an IEEE1394 interface.

Takeda et al additionally teaches that, as a transmitting medium 114 used for transmission and reception of digital video and audio data, P1394 interface can be used in page 6, paragraph #0096.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the P1394 interface into the recording apparatus 128 and the reproducing apparatus 129 of Fig. 1 of Takeda et al because P1394 interface has higher transmission rate.

Claim 15 is rejected for the same reasons as discussed in claim 12 above.

Method claims 26-27 are rejected for the same reasons as discussed in corresponding apparatus claims 11-12 above, respectively.

Claim 38 is rejected for the same reasons as discussed in claim 12.

Claim 40 is rejected for the same reasons as discussed in claim 11.

Claim 42 is rejected for the same reasons as discussed in claim 12.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus for recording/reproducing video signal.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THAI TRAN
PRIMARY EXAMINER